

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER PANSE,

Plaintiff,

07-CV-3689 (SCR)

-against-

NOTICE OF MOTION

ENLARGED CITY SCHOOL DISTRICT
OF MIDDLETOWN, New York,

Defendant.


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PLEASE TAKE NOTICE that, upon the annexed Declaration of Peter Biging, Esq., dated July 9, 2007, the exhibits annexed thereto, and the accompanying Memorandum of Law, Defendant Enlarged Central School District of Middletown, New York will move this Court, at the United States District Courthouse, Southern District of New York, located at 300 Quarropas Street, White Plains, New York, on a date to be set by the Court, for an Order pursuant to Fed. R. Civ. P. Rule 12(b)(6) dismissing the Plaintiff's Complaint, in its entirety, with prejudice on the grounds that (1) it constitutes improper claim splitting in impermissible duplicative actions, and (2) it fails, in any event, to state a claim for which relief can be granted; and granting such other and further relief as the Court may deem just and proper.

Dated: July 9, 2007

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

A handwritten signature in black ink, appearing to read 'Peter Biging', is written over a horizontal line.

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